

REED SMITH LLP
A limited liability partnership formed in the State of Delaware

Carol B. Lewis, (SBN. 130088)
carol.lewis@reedsmith.com
REED SMITH LLP
355 South Grand Avenue, Suite 2900
Los Angeles, CA 90071-1514
Telephone: +1 213 457 8000
Facsimile: +1 213 457 8080

Attorneys for Defendants
CareFirst of Maryland, Inc. d/b/a/Care
First BlueCross Blue Shield, Group
Hospitalization and Medical Services Inc.
d/b/a CareFirst BlueCross BlueShield
and CareFirst Blue Choice, Inc.,
erroneously sued herein as CareFirst of
Maryland, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

STANFORD HEALTH CARE, a non-
profit public benefit California
corporation,

Plaintiff,

v.

CAREFIRST OF MARYLAND, INC.
doing business as CAREFIRST
BLUECROSS BLUESHIELD; and
DOES 5 THROUGH 25, inclusive,

Defendants.

Case No. 5:22-cv-06041-PCP

Hon. Judge P. Casey Pitts,
Courtroom 8

**DEFENDANTS' AMENDED NOTICE
OF MOTION DISMISS FIRST
AMENDED COMPLAINT FOR (1)
LACK OF PERSONAL
JURISDICTION; (2) LACK OF
SUBJECT MATTER
JURISDICTION; AND (3) FAILURE
TO STATE A CLAIM**

Date: November 9, 2023
Time: 10:00 a.m.
Ct: 8

Complaint Filed: October 13, 2022
FAC Filed: May 17, 2023

TO PLAINTIFF AND TO ITS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on November 9, 2023 at 10:00 a.m., or as soon thereafter as the matter may be heard, in Courtroom 8 of the above-entitled Court located at 280 South 1st Street, San Jose, CA 95113, Defendants CareFirst of Maryland, Inc. d/b/a/ CareFirst BlueCross Blue Shield, Group Hospitalization and Medical Services Inc. d/b/a CareFirst BlueCross BlueShield and CareFirst Blue Choice, Inc., (“Defendants”) will move, and hereby do move, this Court for an order dismissing the First Amended Complaint (“FAC”) of Plaintiff Stanford Healthcare (“Plaintiff”), and both causes of action asserted therein, pursuant to Federal Rules of Civil Procedure (“Fed.R.Civ.P.”), Rule 12(b)(2) for lack of personal jurisdiction (Claim Nos. 1, 2, 4, 6 and 7 on Exhibit A to Complaint), and Fed.R.Civ.P. 12(b)(6) for failure to state a claim upon which relief may be granted.

Defendants also move to dismiss the FAC pursuant to Fed.R.Civ.P. 12(b)(1), to the extent it relates to health care services provided to a member enrolled in a Federal Employee Health Benefit (“FEHB”) plan for lack of subject matter jurisdiction (Claim No. 6 on Exhibit A to the original Complaint).

Finally, CareFirst BlueCross Blue Shield should be dismissed as a defendant because it is a trade name, not a legal entity capable of being sued.

This Motion was fully briefed prior to the transfer of this case from the Honorable Beth Labson Freeman to this Court. This Motion is based on the previously filed Notice of Motion and Motion (Dkt. 24), the accompanying Declaration of Kim Rothman (Dkt. 24-1), as well as the papers, pleadings and other documents on file in this action, judicially noticeable materials, and such other and further oral or documentary evidence as may be presented at or before the hearing. The opposition and reply were filed at Dkt. 28 and Dkt. 29, respectively.

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1 Dated: September 7, 2023

REED SMITH LLP

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3 By: /s/ Carol B. Lewis

Carol B. Lewis

4 Attorney for Defendants CareFirst of
5 Maryland, Inc., Group

Hospitalization and Medical Services

6 Inc. d/b/a CareFirst BlueCross

7 BlueShield and CareFirst Blue

8 Choice, Inc.